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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किये आदेश और अधिसूचनाएं
Orders and Notifications issued by Central Authorities (other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 3 मार्च, 2006

आ.अ. 34.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग वर्ष 2004 की निर्वाचन अर्जी संख्या 13 में मध्य प्रदेश उच्च न्यायालय, इन्दौर के तारीख 2-1-2006 के आदेश को एतद्वारा प्रकाशित करता है।

(आदेश इस अधिसूचना के अंग्रेजी भाग में छपा है।)

[सं. 82/म.प्र.-लो. स./ (13/04)]

आदेश से,

ललित मोहन, सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 3rd March, 2006

O.N. 34.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order of the

High Court of Indore dated 2-1-2006 in Election petition No. 13/04.

HIGH COURT OF MADHYA PRADESH
BENCH AT INDORE
(SINGLE BENCH: HON'BLE SHRI S. K. SETH, J)

Election Petition No. 13 of 2004

Umang Singhar

Versus

Chhattar Singh & others

ORDER

(PASSED ON 2-1-2006)

Petitioner, one of the defeated candidates, is questioning the election of respondent No. 1 to House of People in the 14th General Elections, 2004 from Dhar Reserved Constituency No. 25 in the State of Madhya Pradesh.

2. Relevant facts are undisputed. Shorn of unnecessary details, they are as under. Petitioner and Respondent No. 1 belong to Reserved category (Scheduled

Tribe). Petitioner and respondent No. 1 contested said election, as candidates of Indian National Congress (I) Party and Bhartiya Janta Party respectively. It may be mentioned that Respondent No. 2 to 4, also contested said election as Samajwadi Party; Bhujan Samaj Party and independent candidates. Respondent No. 1 polled maximum number of votes and was declared elected, defeating petitioner and other respondents. Petitioner the nearest rival candidate lost the election by a margin of a few thousands votes. Hence, this petition under Section 81 of the Representation of People Act, 1951 (the Act of 1951 for short) Calling in question election of respondent No. 1 on the sole ground that in the affidavit, respondent No. 1, did not disclose details of his acquittal in S.T. No. 46 of 1990, therefore, he is guilty of suppressing materials. The following relief are claimed:—

- A. Election of respondent No. 1 from Dhar Constituency No. 25 to the 14th Lok Sabha, 2004 be declared void and ineffective; and
- B. Petitioner be declared as duly elected candidate from Dhar Constituency No. 25 to the 14th Lok Sabha, 2004.

3. According to averments made in petition, the gravamen of charge levelled against respondent No. 1 is that he at the time of filing of nomination paper did not mention or furnish particulars of criminal cases in the affidavit as is required under the law. According to petitioner, respondent No. 1 is guilty of wilful suppression of material facts relating to his criminal antecedents, therefore, his nomination paper was liable to be rejected in terms of the directions issued by the Election Commission in compliance of the Order of Supreme Court (2002) 5 Sec. 294. The improper acceptance of nomination paper of respondent No. 1 has materially affected result of election from Dhar Constituency No. 25. Thus, the election of respondent No. 1 is liable to be declared void and petitioner, the nearest rival is entitled to be declared duly elected from said Constituency.

4. After notice, none of respondents, except respondent No. 1, has put in appearance to contest this petition. Respondent No. 1 filed written statement and denied allegations made against him in the petition.

5. According to respondent No. 1, he is not guilty of suppression of any material fact in the affidavit and his nomination paper was not liable to be rejected and that, too, when no such objection was taken by the petitioner at the time of scrutiny of nomination papers. It is further pointed that in the affidavit respondent No. 1 had disclosed relevant particulars of the criminal case in which he was prosecuted and sentenced. According to him, subsequent

to the decision of Supreme Court in (2002) 5 SCC 294 (supra), the Act of 1951 was amended by Representation of People (Third Amendment) Act, 2002 w.e.f. 24-8-2002 and Section 33A pertaining to Right to Information was inserted. As per amended law, respondent No. 1 is not required to disclose details of criminal case in which he has been acquitted. It was pointed out that constitutional validity of the Representation of People (Third Amendment) Act, 2002 was challenged and the Supreme Court by Order dated 13-3-2004, not only upheld the validity of Section 33A, but further held that a candidate is not required to disclose the criminal cases in which he is acquitted or discharged. Said decision is reported in (2003) 4 SCC 399. In the light of said decision of the Supreme Court, Election Commission of India has issued fresh directives on 27-3-2003 requiring a candidate to disclose relevant details but it is no longer necessary to disclose cases leading to acquittal or discharge from criminal charges. Thus, respondent No. 1 denied that he wilfully suppressed details of criminal case leading to this acquittal. He further denied that the non-disclosure violates any law and as such, neither acceptance of nomination paper nor the result after poll is void, in effective requiring declaration of result in favour of petitioner. According to him entire petition being devoid of any substance, merits rejection with heavy costs.

6. Based upon pleadings of parties, this Court framed and explained the following issues for trial.

- (A). Whether respondent No. 1 was bound to disclose details of S.T. No. 46 of 1990 in which he was prosecuted for offences punishable under Section 306, 324/34 IPC but later on acquitted? Effect.
- (B). Whether the Returning Officer committed any illegality in accepting the nomination form of the respondent No. 1?
- (C). Relief and costs.

CONTENTIONS

7. Learned counsel for petitioner vehemently argued that Supreme Court in (2002) 5 SCC 294 recognised that in a democracy, electoral process has a strategic role. Voters have a right to elect a candidate of their choice. The education qualifications, criminal antecedents, financial assets and liabilities of prospective candidates play vital function in the process of election of candidates to the law-making bodies. Thus, right to get information in a democracy is recognised as natural right flowing from Article 19(1)(a) of the Constitution. In compliance of the said Order of the Supreme Court, the Election Commission

of India issued directions making imperative disclosure of relevant information, including past and present criminal background of a candidate at the time of filing of nomination paper and any default may entail rejection of nomination paper at the threshold. In the light of declaration of law, learned counsel for petitioner referred to the Affidavit (Annexure P-7) filed by respondent No. 1 at the time of nomination and pointed out that respondent No. 1 did not disclose detail regarding his prosecution in S.T. No. 46 of 1990 therefore, improper acceptance of nomination paper has materially affected the result of election. Consequently, election of respondent No. 1 from Dhar Reserved Constituency No. 25 is liable to be declared void and the petitioner is entitled to be declared duly elected from that Constituency to 14th Lok Sabha.

8. Per contra, learned counsel for respondent No. 1 submitted that directions issued by the Supreme Court in (2002) 5 SCC 294 were subject to law made by competent legislature in this regard. He contended that after the said decision, Parliament enacted Representation of People (Third Amendment) Act, 2002. By the said amending Act, besides New Chapter VII A, Sections, Viz. Section 33A and 33B, 75A and 125A were inserted in the Act of 1951. Existing Section 169 was also amended. According to him, in view of the amended law, it is no longer necessary to furnish particulars of criminal case in which a prospective candidate is acquitted or discharged. Referring to the Affidavit (Annexure P-7) he pointed out that relevant details of conviction and sentence were disclosed and as such, it could not be said that respondent No. 1 is guilty of suppressing material information entailing rejection of his nomination paper. He further pointed out that the Supreme Court examined the constitutional validity of Third Amending Act in a latter decision reported in (2003) 4 SCC 399 and so far as Section 33A is concerned, its validity was upheld. Thus, according to learned counsel for respondent No. 1, there is no merit and substance in the petition and it deserves to be dismissed with costs.

REASONS FOR FINDINGS

9. After having heard learned counsel for contesting parties and going through material on record, in the considered opinion of this Court there is no merit and substance in the present petition.

10. It is pertinent to point out that both learned counsel appearing for petitioner and respondent No. 1, submitted that for trial, the issues framed, needed no oral or documentary evidence. Accordingly, they gave up right to lead evidence and advanced oral submissions.

11. In order to appreciate rival submissions, it would be necessary to mention that after throwing the Yoke of

British Rule, we have constitutionally adopted Democratic Republic, based upon Parliamentary System of Government elected through universal adult suffrage. Within half a century of working of democracy, need for electoral reforms in the existing set up, was acutely felt, particularly in the context of purging the system of criminalisation. Recognising the need, Supreme Court in **Union of India vs. Association for Democratic Reforms** [(2002) 5 SCC 294] held that in a democratic form of government, which is part of the basic structure of the Constitution, voters are of utmost importance. For maintaining purity of elections, vibrant and healthy democracy, voters have the right to know relevant antecedents of the candidates contesting the elections. This right of information of the voter is part of fundamental right of speech and expression enshrined in article 19 (1) (a) of the Constitution. Supreme Court, therefore, in order to fill up the vacuum, vide paragraph 48 of the judgment, issued directions which read as under:—

“48. The Election Commission is directed to call for information on affidavit by issuing necessary order in exercise of its power under Article 324 of the Constitution of India from each candidate seeking election to Parliament or a State Legislature as a necessary part of his nomination paper, furnishing therein, information on the following aspects in relation to his/her candidature:—

- (1) Whether the candidate is convicted/acquitted / discharged of any criminal offence in the past— if any, whether he is punished with imprisonment or fine.
- (2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.
- (3) The assets (immovable, movable, bank balance, etc.) of a candidate and of his/her spouse and that of dependants.
- (4) Liabilities, if any, particularly whether there are any overdues of any public financial institution or government dues.
- (5) The educational qualifications of the candidate.”

Pursuant to the Order of the Supreme Court, Election Commission issued directions on 28-6-2002, requiring amongst other things, filing of affidavit disclosing relevant information including history of pending and past criminal

cases resulting in conviction or acquittal, at the time of filing of nomination paper. However, subsequent to that decision, law has been changed. Initially the Ordinance No.4 of 2002 filled up the statutory vacuum w.e.f. 24-8-2002. Later on, the Representation of the People (Third Amendment) Act, 2002 (Act No.72 of 2002) replaced the Ordinance. The Amending Act 72 of 2002, besides adding new Chapter VIIA, has also inserted new sections, viz. Section 33A and 33B, 75A and 125A in the Act of 1951. Section 33A which is relevant for the purposes of the case in hand, deals with Right to Information and reads as under :—

“Section 33A Right to Information—(1) A candidate shall, apart from any information which he is required to furnish under this Act or the rules made thereunder, in his nomination paper delivered under sub-section (1) of section 33, also furnish the information as to whether :—

- (i) he is accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the court of competent jurisdiction;
- (ii) he has been convicted of an offence [other than any offence referred to in sub-section (1) or sub-section (2), or covered in sub-section (3) of section 8] and sentence to imprisonment for one year or more.

(2) The candidate or his proposer, as the case may be, shall, at the time of delivering to the returning officer the nomination paper under sub-section (1) of section 33, also deliver to him an affidavit sworn by the candidate in a prescribed form verifying the information specified in sub-section (1).

(3) The returning officer shall, as soon as may be after the furnishing of information to him under sub-section (1), display the aforesaid information by affixing a copy of the affidavit, delivered under sub-section (2) at a conspicuous place at his office for the information of the electors relating to a constituency for which nomination paper is delivered.”

From a bare perusal of provisions contained in this section, it is clear that a prospective candidate is not required to disclose particulars of the criminal case in which he has been acquitted or discharged. The constitutional validity of Section 33A has been upheld in (2003)4 SCC 39. The latest directions issued on 27-3-2003 by the Election Commission, are also in tune with the aforesaid decision of the Supreme Court. In fact, His Lordship,

P. VENKATARAMA REDDI, J. expressing majority view, held at page 470 as under: (ibid):

“As regards acquittals, it is reasonable to take the view that such information will not be of much relevance inasmuch as acquittal *prima facie* implies that the accused is not connected with the crime or the prosecution has no legs to stand. It is not reasonable to expect that from the factum of prosecution resulting in acquittal, the voters/citizens would be able to judge the candidate better. On the other hand, such information in general has the potential to send misleading signals about the honesty and integrity of the candidate.”

12. In view of the authoritative decision of the Supreme Court and provisions of law as it exists, there is scarcely any merit in the election petition and we have no hesitation in holding that respondent No. 1 was not required to disclose in the affidavit, details of criminal case [S.T.No. 46 of 1990] in which he was acquitted. As such, it could not be said that he is guilty of suppression of material facts or the Returning Officer in accepting nomination of respondent No.1 committed any illegality. It is also clear that nomination paper of respondent No.1 was not liable to be rejected on that count as claimed by the petitioner in this petition.

13. The upshot of the foregoing discussion is that present election petition does not raise any issue requiring trial by this Court, and the inevitable result is that petitioner is not entitled to any relief. Thus, the election petition fails and accordingly, it is hereby dismissed with costs under Section 119 of the representation of People Act, 1951. Petitioner shall pay Rs.5000 inclusive of counsel's fee of respondent No. 1.

14. Let intimation of the substance of the decision under the seal and signature of the Registrar of this Court be sent to the Election Commission and the Speaker of Lok Sabha forthwith, followed by an authentic copy of this order in compliance of provisions contained in Section 103 of the Representation of People Act of 1951.

Sd/-

(S. K. SETH)

JUDGE

[No. 82/MP-HP/(13/04)]

By Order,

LALIT MOHAN, Secy.

आदेश

नई दिल्ली, 7 मार्च, 2006

आ. अ. 35.—यतः भारत निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में विनिर्दिष्ट राजस्थान लोक सभा के साधारण निर्वाचन, 2004 के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तम्भ (4) में विनिर्दिष्ट निर्वाचन लड़ने वाले अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्द्वारा बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा-दर्शित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त अभ्यर्थी ने निर्वाचन आयोग द्वारा सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है अथवा उनके द्वारा प्रस्तुत अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है ;

अतः अब, निर्वाचन आयोग, उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे के स्तम्भ (4) में विनिर्दिष्ट व्यक्ति को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए एतद्द्वारा निरहित घोषित करता है :—

सारणी

क्र. सं.	निर्वाचन का विवरण	संसदीय निर्वाचन क्षेत्र की क्र. सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निरहता के कारण
1	2	3	4	5
1.	लोक सभा के लिए साधारण निर्वाचन, 2004	2-बीकानेर	श्री महावीर प्रसाद, चाक 8, के. वाई. डी.-32 हेड, खाजूवाला, जिला-बीकानेर, राजस्थान।	लेखा दाखिल नहीं किया
2.	—वही—	—वही—	श्री जसविन्द्र सिंह, 5/209, मुक्ता प्रसाद कॉलोनी, बीकानेर, राजस्थान।	—वही—
3.	—वही—	—वही—	श्री रामलाल, बंदानी बास, ग्राम पलाना, बीकानेर, राजस्थान।	—वही—

[सं. 76/राज.-लो. स./2004(7)]

आदेश से,

के. आर. प्रसाद, सचिव

ORDER

New Delhi, the 7th March, 2006

O.N. 35.—Whereas, the Election Commission of India is satisfied that the contesting candidate specified in column 4 of the Table below at the General Election to the Lok Sabha, 2004 for the State of Rajasthan specified in column 2 and held from the constituency specified in column 3 against his name has failed to lodge the account of his election expenses as shown in column 5 of the said Table as required by the representation of the People Act, 1951 and the Rules made there under;

And whereas, the said candidate has either not furnished any reason or explanation for the said failure even after due notice by the Election Commission or after considering the representation made by him, if any, the Election Commission is satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the person specified in column 4 of the Table below to be disqualified for being chosen as and for being a member of either House of

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Parliament or the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order :—

TABLE

S.No.	Particulars of Election	Sl. No. & Name of Parliamentary Constituency	Name & Address of Contesting Candidate	Reasons for Disqualification
1	2	3	4	5
1.	General Election to the Lok Sabha, 2004	2-Bikaner	Sh. Mahavir Prasad, Chak 8, KYD-32 Head, Khajuwala, Dist-Bikaner, Rajasthan.	Account not lodged.
2.	-do-	-do-	Sh. Jasvindra Singh, 5/209, Mukta Prasad Colony, Bikaner, Rajasthan.	-do-
3.	-do-	-do-	Sh. Ram Lal, Bhadani Bass, Gram-Palana, Bikaner, Rajasthan.	-do-

[No. 76/RJ-HP/2004(7)]

By Order,

K. R. PRASAD, Secy.

आदेश

नई दिल्ली, 7 मार्च, 2006

आ. अ. 36.—जबकि निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट फरवरी, 2005 में हरियाणा विधान सभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में तदनुसूची विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, के स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दर्शित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है ;

और जबकि उक्त अभ्यर्थियों ने सम्पू् सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है ;

अतः, अब, निर्वाचन आयोग, उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए एतद्वारा निरहित घोषित करता है :—

सारणी

क्रम सं.	निर्वाचन का विवरण	निर्वाचन-क्षेत्र की क्र.सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहता का कारण
1	2	3	4	5
1.	हरियाणा विधान सभा, 2005 के लिए साधारण निर्वाचन	45-नरवाना	श्री बीरबल दास, वार्ड नं. 14, हरिजन बस्ती, नरवाना, जिला-जीन्द, हरियाणा।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
2.	—यथा—	—यथा—	श्री सीता राम, जवाहर नगर, कोर्ट रोड, बाबा कुण्डी, नरवाना, जिला-जीन्द, हरियाणा।	—यथा—

1	2	3	4	5
3.	हरियाणा विधान सभा 2005 के लिए साधारण निर्वाचन	45—नरवाना	श्री विनय कुमार, मकान नं. 680 सी, पंजाबी चौक, नरवाना, हरियाणा।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहें।
4.	—यथा—	—यथा—	सुरेन्द्र सिंह, भौजराज पति, गांव-खरल, तहसील-नरवाना, जिला-जीन्द, हरियाणा।	—यथा—
5.	—यथा—	—यथा—	श्रीमती इन्द्रजीत कौर, रणबीर लोज, गांव व डा. अमरहेडी, जीन्द, हरियाणा।	—यथा—
6.	—यथा—	—यथा—	श्री भजा राम, गांव व डाक अहिरका, जीन्द, हरियाणा।	—यथा—
7.	—यथा—	—यथा—	श्री राम पाल, मकान नं. 484/24, गोपाल नगर, जीन्द, हरियाणा।	—यथा—
8.	—यथा—	50—सफीदों	श्री वीरेन्द्र सिंह, गांव व डाक-सिलाखेडी, तहसील-सफीदों, हरियाणा।	—यथा—
9.	—यथा—	—यथा—	श्री नरेश कुमार, पुराना बस स्टैण्ड, वार्ड नं. 10, सफीदों शहर हरियाणा।	—यथा—
10.	—यथा—	—यथा—	श्री सुभाष, गांव व डाकखाना गांगोली, तहसील-सफीदों, हरियाणा।	—यथा—

[सं. 76/हरियाणा-वि.स./2005(4)]

आदेश से,

के. अजय कुमार, सचिव

ORDER

New Delhi, the 7th March, 2006

O.N. 36.—Whereas, the Election Commission of India is satisfied that the contesting candidates specified in column (4) of the Table below at the General Elections to the Legislative Assembly held from Haryana in February, 2005 as specified in Column (2) and held from constituencies correspondingly specified in column (3) against their names have failed to lodge account of their election expenses, as shown in column (5) of the Table, as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice of the Election Commission, after considering the representation made by them, if any, the Election Commission is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10 A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order.

TABLE

Sl. No.	Particulars of Election	No. and Name of Assembly Constituency	Name and address of contesting candidate	Reason for disqualification
1.	2	3	4	5
1.	General Election to the Legislative Assembly of Haryana-2005	45—Narwana	Birbal Dass, Ward No. 14, Harijan Basti, Narwana, Distt. Jind, Haryana.	Failure to lodge account of election expenses.
2.	—do—	—do—	Sita Ram, Jawarhar Nagar, Court Road (Baba Kundi), Narwana, Dist. Jind, Haryana.	—do—
3.	—do—	—do—	Vinay Kumar, H. No. 680C, Panjabi Chowk, Narwana, Haryana	—do—
4.	—do—	—do—	Surender Singh, Bhojraj Pati, Vill. Kharal, Teh. Narwana, Distt. Jind, Haryana.	—do—
5.	—do—	48—Jind	Inderjit Kaur, Ranbir Lodge, Vill. & PO Amarheri, Jind, Haryana.	—do—
6.	—do—	—do—	Bhaja Ram, Vill. & PO Ahirka, Distt. Jind, Haryana.	—do—
7.	—do—	—do—	Ram Pal, H. No. 484/24, Gopal Nagar, Jind, Haryana.	—do—
8.	—do—	50-Safidon	Virender Singh, Vill. & PO Sillakheri, Teh Safidon, Haryana.	—do—
9.	—do—	—do—	Naresh Kumar, Old Bus Stand, Ward No. 10, Safidon City, Haryana.	—do—

1.	2	3	4	5
10.	General Election to the Legislative Assembly of Haryana-2005	50-Safidon	Subhash, Vill. & PO Gangoli, Teh., Safidon, Haryana.	Failure to lodge account of election expenses.

[No. 76/HN-LA/2005(4)]

By Order,
K. AJAYA KUMAR, Secy.

आदेश

नई दिल्ली, 7 मार्च, 2006

आ.अ. 37.—यतः भारत निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट महाराष्ट्र विधान सभा, के साधारण-निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, के स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दर्शित अपने निर्वाचन व्ययों का लेखा अपेक्षित रीति से दाखिल करने में असफल रहा है ;

और यतः उक्त अभ्यर्थियों ने निर्वाचन आयोग द्वारा सम्यक दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिये गये अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है;

अतः, अब, निर्वाचन आयोग, उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है :—

सारणी

क्रम सं.	निर्वाचन का विवरण	विधान सभा निर्वाचन-क्षेत्र की क्र.सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहता का कारण
1	2	3	4	5
1.	महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन 2004	58—मुर्बाद	देशमुख रमाकांत नारायणराव स्वपनिल निवास ब्राह्मण अली, सरकारी गोडाउन के पास, तहसील-शाहपुर, जिला-ठाणे, महाराष्ट्र।	अपने निर्वाचन व्ययों का कोई लेखा दाखिल करने में असफल रहे।
2.	—वही—	61—वसाई	सुखदेव जयराम खैरनार, कटकरीपाड़ा, पंचशील नगर, चौदअन्सर विरार (ई.) तहसील-वसाई, जिला-थाणे महाराष्ट्र।	—वही—
3.	—वही—	65—शाहपुर (अ.ज.जा.)	केवारी रामचन्द्रा कामालू, स्थान-दलखान, पोस्ट-खारदी, तहसील-शाहपुर जिला-थाणे, महाराष्ट्र।	—वही—
4.	—वही—	—वही—	चन्द्रकांत भाउ शिन्दे, स्थान-किनीस्ते, पोस्ट-करेगांव, तहसील-मोखदा, जिला-थाणे, महाराष्ट्र।	—वही—

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1	2	3	4	5
5.	महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन 2004	65-शाहपुर (अ. ज. जा.)	राजीव लाहू भोये, स्थान-विहालोंडे, पोस्ट-तन्सा, तहसील-शाहपुर, जिला-थाणे, महाराष्ट्र।	अपने निर्वाचन व्ययों का कोई लेखा दाखिल करने में असफल रहे।
6.	—वही—	—वही—	शशिकांत कशीनाथ पाटेकर, स्थान-मडक्याचिमेट, पोस्ट-वशाला, तहसील-मोखादा, जिला-थाणे, महाराष्ट्र।	—वही—
7.	—वही—	123—चलांव	श्रीकान्त उर्फ खान्दूभाउ तराल, श्यामनगर, अमरावती, महाराष्ट्र।	—वही—
8.	—वही—	187—बदनापुर	अधूडे अंकुशराव सखाराम, स्थान-घेटुल्ल, पोस्ट-चिताली, तहसील और जिला-जलना, महाराष्ट्र।	—वही—
9.	—वही—	—वही—	धिसिंग भागुसिंह उर्फ कप्पूसिंह, मानसिंह, न्यू हनुमान नगर, सूरज निवास गरखेड़ा परिसर औरंगाबाद, महाराष्ट्र।	—वही—

[सं. 76/महाराष्ट्र-वि.स./2004]

आदेश से,

तपस कुमार, सचिव

ORDER

New Delhi, the 7th March, 2006

O.N. 37.—Whereas, the Election Commission of India is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General Election to the Maharashtra Legislative Assembly, 2004 specified in Column (2) and held from the constituency specified in column (3) against his/her name has failed to lodge the account of his/her election expenses, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice of the Election Commission, or after considering the representation made by them, if any, the Election Commission is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this Order.

TABLE

Sl. No.	Particulars of Election	Sl. No. & Name of Assembly Constituency	Name & Address of Contesting Candidate	Reasons for Disqualification
1	2	3	4	5
1.	General Elections to Maharashtra Legislative Assembly, 2004	58-Murbad	Deshmukh Ramakant, Narayanrao, Swapnil Niwas, Brahamin Ali, Near Govt. Godown, Tal.-Shahapur, Distt.-Thane, Maharashtra.	Failure to lodge any account of his election expenses.
2.	—do—	61-Vasai	Sukhdev Jairam Khairnar, Katkaripada, Panchasheel Nagar, Chandansar Virar, (E), Tal-Vasai, Distt.-Thana Maharashtra.	—do—
3.	—do—	65-Shahapur (ST)	Kewari Ramchandra Kamalu, At. Dalkhan, Post-Khardi, Tal-Shahapur Distt.-Thane. Maharashtra	—do—
4.	—do—	—do—	Chandrakant Bhau Shinde, At-Kiniste, Post-Karegaon Tal-Mokhada, Distt. Thane. Maharashtra.	—do—
5.	—do—	—do—	Ravji Lahu Bhoye, At-Vehalonde, Post-Tansa, Tal-Shahapur, Dist-Thane, Maharashtra.	—do—
6.	—do—	—do—	Shashikant Kashinath, Patekar, At-Madkyachimet Post-Vashala, Tal-Mokhada, Dist-Thane. Maharashtra.	—do—
7.	—do—	123-Walgaon	Srikant alias Khandubhau Taral, Shyamnagar, Amravati, Maharashtra.	—do—

1	2	3	4	5
8.	General Elections to Maharashtra Legislative Assembly-2004	187-Badnapur	Aadhude Ankusgrao, Sakharam At.-Ghetuli, Post-Chitali, Tq. & Distt.-Jalna, Maharashtra.	Failed to lodge any account of his election expenses.
9.	-do-	-do-	Ghusinge Bhaghusing Alias Kappusing Mansing, New Hanuman Nagar, Suraj Niwas Garkheda Parisar, Aurangabad, Maharashtra	-do-

[No. 76/MT-LA/2004]

By Order,
TAPAS KUMAR, Secy.